

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STATE OF MINNESOTA, *by its*
Attorney General Keith Ellison,

Plaintiff,

v.

SANOFI-AVENTIS U.S. LLC, et al.,

Defendants.

Case No. 3:18-cv-14999 (BRM) (LHG)

ORDER

THIS MATTER is opened to the Court by Defendants Sanofi-Aventis U.S. LCC, Novo Nordisk, Inc., and Eli Lilly and Company's (collectively, "Defendants") Joint Motion to Dismiss the First Amended Complaint of Plaintiff The State of Minnesota ("Plaintiff" or "State"). (ECF No. 47.) Plaintiff filed an Opposition to Defendants' Motion to Dismiss (ECF No. 54), Defendants filed a Reply Brief to Plaintiff's Opposition (ECF No. 57), and Plaintiff filed a sur-reply (ECF No. 63). Having reviewed the submissions filed in connection with the Motion, for the reasons set forth in the accompanying Opinion and for good cause shown,

IT IS on this 31st day of March 2020,

ORDERED that Defendants' Motion to Dismiss the RICO Claims¹ is **GRANTED WITHOUT PREJUDICE**; and it is further

ORDERED that Defendants' Motion to Dismiss Count Thirteen (Consumer Fraud) is **DENIED**; and it is further

¹ The accompanying Opinion defined the RICO Claims as Counts One through Twelve of the First Amended Complaint.

ORDERED that Defendants' Motion to Dismiss Count Fourteen (Deceptive Trade Practices) is **GRANTED IN PART** and **DENIED IN PART**. Defendants' Motion is **DENIED** to the extent Plaintiff seeks restitution, but is otherwise **GRANTED WITHOUT PREJUDICE**; and it is further

ORDERED that Defendants' Motion to Dismiss Count Fifteen (False Advertising) is **GRANTED WITHOUT PREJUDICE**; and it is further

ORDERED that Defendants' Motion to Dismiss Count Sixteen (Unjust Enrichment) is **DENIED**; and it is further

ORDERED that Defendants' Motion to Dismiss the Department of Corrections Claims² is **DENIED**; and it is further

ORDERED that Defendants' Motion to Dismiss the New Insulin Claims³ is **DENIED**; and it is further

ORDERED that the parties will submit a joint redacted version of the accompanying Opinion via email to **chambers_of_judge_brian_martinotti@njd.uscourts.gov** by **April 14, 2020**; and it is finally

ORDERED that Plaintiff may file a Second Amended Complaint curing the deficiencies raised in the accompanying Opinion by **April 21, 2020**.

s/ Brian R. Martinotti
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE

² The accompanying Opinion defined the Department of Corrections Claims as, "all claims relating to the Minnesota Department of Corrections."

³ The accompanying Opinion defined the New Insulin Claims as, "all claims relating to Tresiba, Fiasp, and Basaglar."